

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

JOHNATHAN YASEVICH, *et al.*

PLAINTIFFS

v.

Case No. 3:20-cv-00019 KGB

THE HERITAGE COMPANY, INC., *et al.*

DEFENDANTS

ORDER

Before the Court are the parties' joint motion for decertification of collective and Rule 23 class and joint stipulation of dismissal with prejudice (Dkt. Nos. 106; 107). For the following reasons, the Court grants the parties' joint motion for decertification, adopts the parties' joint stipulation of dismissal, and dismisses with prejudice this case (*Id.*).

I. Decertification

On February 12, 2021, the Court granted plaintiffs' motion for Rule 23 class certification and granted in part plaintiffs' motion to certify a collective action (Dkt. Nos. 24; 25; 107, ¶¶ 2-3). There are currently 57 remaining plaintiffs in this case, three of whom were opt-in plaintiffs (Dkt. No. 107, ¶¶ 4-6). The parties state that they agree that the opt-in plaintiffs can be joined as named plaintiffs, that this obviates the need for a collective or Rule 23 class action, and that they have reached a settlement which implicates each plaintiff in their individual capacity (*Id.*, ¶ 7). The parties now request that the Court decertify both the Rule 23 class and the conditionally certified collective action (*Id.*, ¶ 8). For good cause shown, the Court grants the parties' joint motion and decertifies both the Rule 23 class and the conditionally certified collective action.

II. Dismissal

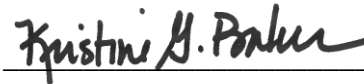
The parties represent that they have reached an agreement that resolves all claims in this lawsuit and that they believe their agreement is a fair, reasonable, and adequate compromise (*Id.*,

¶ 2). The parties “stipulate to the dismissal of this action with prejudice, with each side to bear its own fees and costs, except as otherwise agreed upon.” (*Id.*, ¶ 4). As the parties’ stipulation accords with the terms of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Court adopts the stipulation of dismissal. The Court dismisses with prejudice this case.

III. Conclusion

For the foregoing reasons, the Court grants the parties’ joint motion for decertification of collective and Rule 23 class and dismisses with prejudice this case (Dkt. No. 106; 107). The Court denies as moot defendants’ pending motion *in limine* and motion to continue (Dkt. Nos. 98; 100). At the parties’ request, the Court shall retain jurisdiction over this matter for 30 days for the limited purpose of enforcing the settlement (Dkt. No. 106, ¶ 5).

It is so ordered this 20th day of March, 2024.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker

Chief United States District Judge